

REMARKS

Claims 26-50 are pending in the present application. The Office Action requires restriction to one of the following two groups of claims:

Group I: Claims 26-40, drawn to a method of measuring the angiogenic or antiangiogenic activity of a test molecule by comparing the fluorescent vascular density.

Group II: Claims 41-50 drawn to a method of measuring the angiogenic or antiangiogenic activity of a test molecule by comparing the spectrophotometer absorbance value of the test region.

Although applicants believe that both groups relate to a single general inventive concept, as required in response to this Action, applicants provisionally elect Group II (claims 41-50), with traverse. The Office Action alleges that the application contains claims to more than one species of the generic invention. Further stated in the Office Action is that Applicants are required to elect a single species to which the claims shall be restricted if no generic claim is finally held allowable. As required in response to this Action, applicants provisionally elect filter paper as a substrate. Claims 41-50 are readable upon this species. Applicant also provisionally elects a polypeptide that can stimulate angiogenesis as a stimulator of angiogenesis. Claims 45 and 46 are readable upon this species. Applicants also provisionally elect a synthetic molecule as an inhibitor of angiogenesis. Claims 47 and 48 are readable upon this species. Applicants further provisionally elect XTT as an agent to measure metabolic activity. Claims 41 and 42 are readable upon this species. Applicants acknowledge that, upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species as provided under 37 C.F.R. § 1.141.

ATTORNEY DOCKET NO. 14014.0431U2
APPLICATION NO. 10/510,652

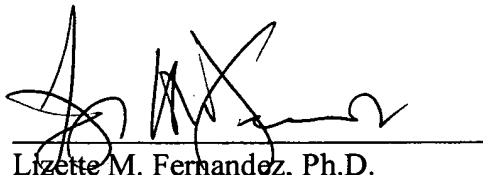
Applicants respectfully request that the entire restriction requirement be reconsidered because the Examiner has not shown that a serious burden would be required to examine all the claims.

For the reasons stated above, Applicant respectfully asserts that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Thus, applicants respectfully request reconsideration and modification or withdrawal of the restriction requirement.

Applicant also wishes to remind the Examiner of the guidelines for rejoinder of claims as set forth in M.P.E.P. § 821.04, as they apply to the pending claims of the instant application.

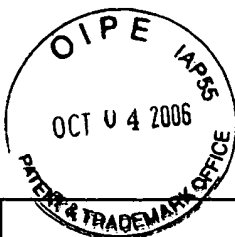
A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$1,020.00 for a Three Month Request for Extension of Time under 37 C.R.F. § 1.17(a)(3) is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Lizette M. Fernandez

Date

10/2/06